

3763

In re Application of: Donald J. McMichael
 Serial No.: 09/660,665
 Filed: September 13, 2000
 Confirmation No.: 6990
 Title: Enteral Feeding Adapter



Group Art Unit: 3763
 Examiner: Roz Ghafoorian
 Our Account No.: 04-1403

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 U.S. PATENT & TRADEMARK OFFICE

Commissioner for Patents
 Box Amendment
 U.S. Patent and Trademark Office
 Washington, DC 20231

RESPONSE TO RESTRICTION REQUIREMENT AND ELECTION OF SPECIES

This is a Response to Restriction Requirement and Election of Species in the above-identified application and includes the herewith attachment of same date and subject which is incorporated hereinto by reference and the signature below is to be treated as the signature to the attachment in absence of a signature thereto.

Fee requirements (if any) have been calculated as shown below:

Claims remaining after amendment	Highest number previously paid for	Present Extra	Additional Fee
Total Effective Claims	35	Minus 35 = 0	x \$18 = \$.00

Independent Claims 4 minus 4 = 0 x \$84 = \$.00

If amendment enters proper multiple dependent claim(s) into this application for first time, add \$270.00 (per application) \$.00

Since Official Action set an original due date of September 23, 2002, PETITION is hereby made for an extension to cover the date this response is filed for which the requisite fee is enclosed (1 month \$110; 2 months \$400; 3 months \$920; 4 months \$1440) \$.00

If Terminal Disclaimer enclosed, add Rule 20(d) Official Fee (\$110.00) \$.00

SUBTOTAL: \$.00

If "small entity" verified statement filed [] previously, [] herewith, enter one-half (½) of subtotal and subtract \$.00

TOTAL: \$.00

Other: Return receipt postcard \$.00

TOTAL FEE ENCLOSED: \$.00

The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any fees in addition to the fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (deficiency only) now or hereafter relative to this application and the resulting official document under Rule 20, or credit any overpayment, to our Account No. shown in the heading hereof for which purpose a duplicate copy of this sheet is attached. This statement does not authorize charge of the issue fee in this case.

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DORITY & MANNING
 ATTORNEYS AT LAW, P.A.
 By Atty: Neal P. Pierott, Esq. Reg. No. 45,716 Date: September 20, 2002
 Signature: Neal P. Pierott

I hereby certify that this correspondence and any referenced attachment and fee are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, U.S. Patent and Trademark Office, Washington, DC 20231, on September 20, 2002.

Mim Voet

(Typed or printed name of person mailing paper or fee)

Mim Voet

(Signature of person mailing paper or fee)

T.B
10/02

ATTORNEY DOCKET NO.: BAL-8 (BA00169)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Donald J. McMichael)
Serial No.: 09/660,665) Art Unit: 3763
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Sir:

In this response to the Office Action of August 23, 2002,
Applicant elects as required certain claims for examination.
Applicant also elects as required a single disclosed species for
prosecution on the merits, and respectfully requests
consideration of the remarks that follow.

ELECTION OF CLAIMS AND SPECIES

In the Office Action, Election of Claims between an apparatus (claims 1-23) and a method (claims 24-35) was required. Applicant hereby elects, without traverse, claims 1-23 for initial prosecution. Applicant reserves the right to prosecute subsequently the non-elected claims without prejudice or

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disclaimer.

Upon election of the apparatus claims, an Election of Species (species A through species G) was required. Applicant hereby elects without traverse the disclosed species E in Figs. 7 and 8 for initial prosecution. The species disclosed in Figs. 7 and 8 have claims 1-23 readable thereon. Applicant submits that claims 1-9, 18, and 19 are generic to all seven species (species A through species G). Applicant reserves the right to prosecute subsequently the non-elected species without prejudice or disclaimer and to prosecute all claims in this Application if a generic claim is ultimately allowed.

In view of the above Elections, Applicant respectfully requests examination of the present application and the timely allowance of the pending claims. The Examiner is encouraged to contact the undersigned in regards to any questions concerning this matter, or if any additional information is needed.

Respectfully submitted,

DORITY & MANNING,
Attorneys at Law, P.A.

Date: September 20, 2002

Neal P. Pierotti

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